

GMO fight: Judge rejects request by Moms for Labeling to impound No on 522 campaign funds

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A Thurston County judge rejected a request by the Moms for Labeling group Wednesday to freeze \$3.5 million still unspent by the No on 522 campaign committee. The committee is trying to defeat Initiative 522, which would require labels on packages of genetically engineered foods and seed stock sold in Washington.

Superior Court Judge **Chris Wickham** said he did not know how he'd rule if the case went to trial and that there was not a clear enough case the Moms group had legal standing to seek the restraining order. At issue is [the legality of spending \\$7.2 million that the Grocery Manufacturers Association gave to NO on 522 – money it solicited from food companies without first registering as a political committee](#), which Washington law requires.

GMA agreed to register as a PAC and identify donors last week after Attorney General **Bob Ferguson** filed suit alleging it broke state law in raising the funds.

Wickham also said “the issues that are raised in this case are significant and they are not clear cut. They are quite complicated.” Wickham said he also agreed with the Moms group that time was key and that their interest in winning labeling laws for genetically engineered foods could be damaged.

Recent [polling shows the race tightened dramatically over the past month](#) as the No on 522 has spent heavily on television ads in a campaign that is already one of the most expensive ballot fights in state history.

“They have swung the race 40 points already and the race is too close to call. The No on 522 and GMA are on the verge of stealing this election,” Moms’ lawyer **Knoll Lowney** told the court. Lowney said he understood “this is an unprecedented request in this state” to freeze the campaign funding, but he said the law lets a judge set aside an election result as well as to freeze accounts..

Attorney **Michele Radosevich**, representing No on 522, said the anti-labeling campaign had not done wrong itself and had no control over its donors – in this case the Grocery Manufacturers. Radosevich said that any action to restrain the campaign’s spending this late in the campaign would be an unfair and an unconstitutional “prior restraint” of speech.

No on 522 has raised \$17.2 million and spent about \$13.5 million, while the Yes on 522 committee and other pro-labeling groups have spent more than \$6 million. The Moms group, [which first filed suit against No on 522 more than a month ago](#), is funded for its legal costs by a \$26,095 contribution by Dr. Bronner's Magic Soaps of Escondido, Calif., which is the major donor to the Yes on 522 campaign.

In his lawsuit last week, Ferguson alleged the Grocery Manufacturers Association illegally collected funds by functioning as a non-registered PAC. After GMA filed as a PAC and revealed its donors on Friday, Ferguson said he still intends to seek penalties against GMA, but he has so far not shown interest in entering the fight led by Lowney over freezing campaign funds.

Faced with Ferguson's lawsuit GMA filed as a political committee and disclosed its donors for the first time – topped by Pepsico, Nestle and Coca-Cola, which each gave more than \$1 million. But Lowney said those donations remain illegal – because the PAC collected money without first getting at least \$10 from 10 different Washington residents, which state law requires such a PAC to do.

In a statement issued Tuesday, Ferguson said:

"The case against GMA involved concealing a record-setting \$7.2 million worth of campaign contributions. We must deter these types of violations and ensure our elections remain transparent. For this reason, disclosure is just one remedy we sought in the lawsuit we filed last Wednesday. We also continue to seek penalties, attorneys fees, and other relief for violating the Washington State campaign disclosure laws. While the GMA made the requested disclosures, there must be sanctions for violating the law and the case will move forward as filed."

The AG's office has not said what kind of penalties it will seek or how soon.

Radosevich said she thinks the judge's ruling ends the case insofar as No on 522 is concerned.

But in his court filings, Lowney said the illegal spending could open the door to a post election challenge seeking to overturn the outcome of the Nov. 5 vote. Speaking after Wickham's ruling, Lowney said he hopes Ferguson takes action to freeze the money.

But Lowney does not expect Ferguson to act and he does not expect anything else to happen on the campaign's legal issues before the election is over.

Read more here: <http://www.thenewstribune.com/2013/10/23/2852760/gmo-fight-judge-rejects-request.html#storylink=cpy>